

## Message Text

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ACTION EB-03

INFO OCT-01 ARA-06 ISO-00 SSO-00 SS-14 L-01 INR-05 INRE-00

SP-02 /032 W

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O 092230Z APR 75

FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE 4663

C O N F I D E N T I A L LIMA 2907

STADIS//////////

LIMDIS

FOR EB/TT/AV-STYLES

EO 11652: GDS

TAGS: EAIR, PE

SUBJECT: CIVAIR - DISPUTE WITH PERU - FOREIGN OFFICE MEMORANDUM

REF: LIMA 2863

1. LATE AFTERNOON APRIL 8, EMBASSY RECEIVED UNSIGNED  
MEMORANDUM FROM FOREIGN MINISTRY. MEMORANDUM MADE FOLLOW-  
ING PRINCIPAL POINTS:

A. AEROPERU'S FEBRUARY 17 PROPOSAL WAS PUT TO ONE  
SIDE AT "THE LAST MEETING" IN VIEW OF THE POSITION OF THE  
TWO AIRLINES WITH RESPECT TO STOPOVER TRAFFIC; AEROPERU'S  
POSITION IS THAT ANY INTERPRETATION OF "STOPOVER" AS MEAN-  
ING MORE THAN TWENTY-FOUR HOURS WOULD CAUSE IT AUTOMATICALLY  
TO REFORMULATE ITS ENTIRE PROPOSAL. (COMMENT: SOUTH HAD  
SUGGESTED THAT QUESTION OF STOPOVER BE PUT TO ONE SIDE TO  
BE DISCUSSED BY TWO GOVERNMENTS. WHEN SOLARI OF FOREIGN  
MINISTRY TOOK THE POSITION REITERATED ABOVE, SOUTH  
ABANDONED HIS SUGGESTION.)

B. AS REACTION TO AEROPERU'S 24-FREQUENCY PROPOSAL,  
SOUTH PROPOSED SPLITTING THE DIFFERENCE BETWEEN 24 AND 32  
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TO ARRIVE AT 28 " A FACT OF WHICH THE U.S. EMBASSY IS AP-

PARENTLY UNAWARE". (COMMENT: SOUTH'S SUGGESTION WAS ILLUSTRATIVE AND MEANT ONLY THAT BETWEEN TWO EXTREMES SOME COMPROMISE SHOULD BE POSSIBLE.)

C. "ALTHOUGH THIS DOES NOT RELATE TO TALKS BETWEEN TWO AIRLINES, IT IS POINTED OUT THAT ON MARCH 14, (DCM AND ECON COUNSELOR) EXPRESSED TO THE MINISTRY THEIR DESIRE THAT AN INFORMAL PROPOSAL MADE BY THE (DGTA) OF 15 FREQUENCIES NORTH AND 9 FREQUENCIES SOUTH BE FORMALIZED SINCE IT REPRESENTED SUBSTANTIAL PROGRESS IN THE PERUVIAN POSITION. THIS WAS NOT POSSIBLE BECAUSE DGTA INDICATED THAT THE OFFER OF 9 FREQUENCIES SOUTH CARRIED CERTAIN RESTRICTIONS. TAKING INTO ACCOUNT THAT AEROPERU'S PROPOSAL FOR THIS SAME NUMBER OF FREQUENCIES DOES NOT MEAN THE FORMALIZATION OF (THIS OFFER) ON THE PART OF THE (GOP), IT IS HOPED THAT THE "SUBSTANTIAL PROGRESS" WHICH THIS OFFER IMPLIES MAY BE ACCEPTABLE TO BRANIFF, WHICH SHOULD ASSUME A REALISTIC ATTITUDE IN THESE CONVERSATIONS." (COMMENT: EMBOFFS HAD IN FACT COMMENTED ONLY THAT INFORMAL TALKS BETWEEN BRANIFF (DEL SOLAR) AND DGTA REPRESENTED PROGRESS. THEY DID NOT ASK THAT 24-FLIGHT SUGGESTION BE FORMALIZED.)

D. AEROPERU IS ANALYZING BRANIFF'S PROPOSAL OF APRIL 7 AND SHOULD BE ABLE TO REPLY NEXT WEEK.

E. "AS BRANIFF KNEW", SOTO HAD TO TRAVEL TO CARACAS AND WILL RETURN APRIL 11. DURING THE INTERVAL, AEROPERU GENERAL MANAGER HAS FULL AUTHORITY (PLENAS FACULTADES) TO CONTINUE CONVERSATIONS, "WHICH ARE BEING CONDUCTED BY THE PERUVIAN COMPANY IN THE BEST SPIRIT WITH THE AIM OF ARRIVING AT A MUTUALLY SATISFACTORY ARRANGMENT". (COMMENT: NEITHER BRANIFF NOR EMBASSY "KNEW" OF SOTO'S TRIP PLANS. REFERENCE TO AVAILABILITY OF AEROPERU GENERAL MANAGER WITH FULL AUTHORITY PROBABLY WAS SPARKED BY AMBASSADOR'S COMPLAINT TO FOREIGN MINISTER ABOUT SOTO'S DEPARTURE IN MIDST OF NEGOTIATIONS. IN FACT, THIS COMPLAINT PLUS OUR MEMOS TO THE FOREIGN MINISTER GIVING HIM STATUS REPORTS ON NEGOTIATIONS PROBABLY PROMPTED THE FOREIGN MINISTRY'S MEMO.)

2. EMBASSY DOES NOT PLAN TO RESPOND TO THIS MEMORANDUM.  
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3. MEMORANDUM DISCUSSED WITH SOUTH WHO SAID HE THOUGHT IT DISHONEST PRESENTATION AND THAT IT CONFIRMED HIS BELIEF THAT PART 213 ACTION SHOULD BE REINSTITUTED IMMEDIATELY. EMBASSY OFFICER SAID HE THOUGHT MEMORADNUM DID NOT MATERIALLY CHANGE SITUATION AND THAT HE THOUGHT 213 ACTION SHOULD BE POSTPONED UNTIL NEXT WEEK. MEETING BETWEEN TWO AIRLINES IS STILL SCHEDULED FOR MONDAY, APRIL 14, AND SHOULD REVEAL

WHETHER FURTHER PROGRESS POSSIBLE. EMBOFF ALSO REMINED SOUTH THAT WHILE ALL INDICATIONS AT WORKING LEVEL ARE THAT AEROPERU IS RELUCTANT PARTICIPANT IN THESE NEGOTIATIONS, WE SHOULD BEAR IN MIND THAT PRIME MINISTER HAD SPECIFICALLY TOLD ASSISTANT SECRETARY ROGERS THAT GOP DID NOT WANT CONFRONTATION WITH U.S. THIS ISSUE AND SOUGHT SETTLEMENT AT AIRLINE LEVEL. ALSO, 213 HAD BEEN SUSPENDED AT SPECIFIC REQUEST OF FOREIGN MINISTER TO PERMIT TIME FOR NEGOTIATIONS; IT OUGHT NOT TO BE REINSTATED UNLESS APRIL 14 MEETING SHOWS CONCLUSIVELY THAT AGREEMENT UNLIKELY. SOUTH SAID HE STILL BELIEVED THAT 213 SHOULD BE HARDING LAWRENCE.

4. COMMENT: WE REITERATE OUR RECOMMENDATION THAT IF 213 ACTION IS TO BE REINSTATED, THIS NOT BE DONE UNTIL NEXT WEEK AND THAT IN MEANTIME AMBASSADOR ARCE OR CHARGE BE INVITED TO DEPARTMENT FOR WARNING THAT ACTION IS IMMINENT.  
DEAN

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